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20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF
24 GOVERNMENT EMPLOYEES, AFL-CIO;
25 AMERICAN FEDERATION OF STATE
26 COUNTY AND MUNICIPAL EMPLOYEES,
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

DECLARATION OF YVETTE PIACSEK

DECLARATION OF YVETTE PIACSEK

I, Yvette Piacsek, declare as follows:

1. I am the General Counsel of the National Federation of Federal Employees (“NFFE”).

2. NFFE represents approximately 110,000 federal employees across multiple agencies, including the U.S. Department of Agriculture (“USDA”).

3. On March 5, 2025, the Merit Systems Protection Board issued an order requiring the USDA to temporarily reinstate probationary USDA employees who had previously been terminated as part of the mass termination of probationary federal workers in February 2025.

4. On March 11, 2025, I emailed Jeff Patterson, who is the Assistant Director for Employee & Labor Relations within Human Resources Management at the U.S. Forest Service. The Forest Service is a component agency of USDA. I requested information about the status of bringing probationary employees back to work pursuant to the MSPB’s order. At that point, I had not yet received any information regarding the reinstatement of probationary employees as ordered by the MSPB.

5. Mr. Patterson responded by email. He initially responded at 1:45 p.m., as follows: “At this time, the Forest Service’s response is:

- USDA is aware of the decision of the Merit Systems Protection Board.
- USDA is reviewing the decision and determining next steps.
- We are awaiting more details and will share information as it becomes available.”

6. Mr. Patterson subsequently provided a further response at 2:10 p.m., stating, “On Wednesday, March 5, the Merit Systems Protection Board (MSPB) issued a 45-day stay on the termination of U.S. Department of Agriculture probationary employees. By Wednesday, March 12, the Department will place all terminated probationary employees in pay status and provide each with back pay, from the date of termination. The Department will work quickly to develop a phased plan for return-to- duty, and while those plans materialize, all probationary employees will be paid.” Attached as Exhibit A is a true and correct copy of my email exchange today with Mr. Patterson, including both of these communications.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true
2 and correct. Executed this 11th day of March 2025 in Washington, DC.


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5 Yvette Piacsek
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Exhibit A



FW: [External Email]Terminations While On Probation

From: Patterson, Jeffrey - FS, MI <[REDACTED]>

Sent: Tuesday, March 11, 2025 2:10 PM

To: Yvette Piacsek <[REDACTED]>

Cc: Wojcik, Nicole - FS, SD <[REDACTED]>; Westergard, Craig - FS, UT <[REDACTED]>

Subject: Re: [External Email]Terminations While On Probation

Hi, Yvette.

Here is the latest update from USDA:

On Wednesday, March 5, the Merit Systems Protection Board (MSPB) issued a 45-day stay on the termination of U.S. Department of Agriculture probationary employees. By Wednesday, March 12, the Department will place all terminated probationary employees in pay status and provide each with back pay, from the date of termination. The Department will work quickly to develop a phased plan for return-to- duty, and while those plans materialize, all probationary employees will be paid.

Jeff



Jeff Patterson

Assistant Director for Employee and Labor Relations

Forest Service

Human Resources Management



Saginaw, MI

Case 3:25-cv-01780-WHA Document 100-2 Filed 03/11/25 Page 6 of 7
From: Patterson, Jeffrey - FS, MI <[REDACTED]>
Sent: Tuesday, March 11, 2025 1:45 PM
To: Yvette Piacsek <[REDACTED]>
Cc: Wojcik, Nicole - FS, SD <[REDACTED]>; Westergard, Craig - FS, UT <[REDACTED]>
Subject: Re: [External Email]Terminations While On Probation

Hi, Yvette. Good to hear from you. Congratulations on your new position, as well!

At this time, the Forest Service's response is:

- USDA is aware of the decision of the Merit Systems Protection Board.
- USDA is reviewing the decision and determining next steps.
- We are awaiting more details and will share information as it becomes available.

We will, of course, respond to the grievance in due course.

I'm assuming you've seen the news, but if not: Randy Moore has retired. Our new chief is Tom Schultz.

When you have a few minutes, let's talk more!

Jeff



Jeff Patterson
Assistant Director for Employee and Labor Relations

Forest Service

Human Resources Management



Saginaw, MI

From: Yvette Piacsek <[REDACTED]>
Sent: Tuesday, March 11, 2025 11:37 AM
To: Patterson, Jeffrey - FS, MI <[REDACTED]>
Subject: [External Email]Terminations While On Probation

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hi Jeff,

Long time no talk. I hope you are doing all right. Congrats on your new position!

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We at NFFE have concerns that the Forest Service has not brought the probationary employees back to work pursuant to the Stay Order from the MSPB. What information can you provide regarding the status?

I am also sharing the grievance we filed concerning the same issue. We have not received a decision yet. Reporters are asking for status updates and unfortunately the honest response to date is something along these lines: "We don't know what the Forest Service strategy is here. We have heard from many of our members that probationary employees have not been brought back." I'm hoping to have a different message if you and I can connect. Let me know. Thanks.

Yvette

Yvette M. Piacsek
General Counsel
National Federation of Federal Employees, IAM, AFL-CIO
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Washington, D.C. 20005
[REDACTED] | [REDACTED] | [REDACTED] | she/her

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